IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1173 OF 2005
IN
SUIT NO.3186 OF 1992

R. Gaekwad & Ors. ....Plaintiffs
V/s.
S.P. Gaekwad & Anr. ....Defendants
And
Dhiren Shah ....Respondent

Mr.A.L. Thakkar i/b Thakkar & Co. for the Plaintiffs.
Mr.S. Kanoria i/b H.H. Nagi for Defendant No.1.

CORAM : S.J. VAZIFDAR, J.
DATED : 9TH JANUARY, 2006.

P.C. :

1. The Chamber Summons is for amendment of the plaint inter-alia by impleading the Respondent as a party Defendant and to challenge the alienation by Defendant No.3 of one of the suit premises to the Respondent.

2. The Plaintiffs' claim that they are entitled to 8/9th share in the suit properties. Defendant No.1 is entitled to 1/9th share in the suit properties. The suit is filed to protect the Plaintiffs' share therein on the allegation that the rights have been illegally created by Defendant No.1 in favour of

Defendant Nos.3 to 6. The Plaintiffs took out Chamber Summons No.1726 of 2003 for impleading them and challenging any alienation in their favour. It is now alleged that Defendant No.3 has in turn sought to create rights in respect of part of the suit premises in favour of the Respondent.

3. In the circumstances, the Chamber Summons is made absolute in terms of prayer (a). The amendment to be carried out within four weeks from today.

4. This order is without prejudice to the pending interlocutory proceedings and orders, if any, therein.